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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 10/665,312  | 09/18/2003  | Stuart Jay Stuple    | 06576.105126<br>(MS#302476.1) | 6214             |
| 20786   | 7590        | 02/08/2006           | EXAMINER                      |                  |
| KING & SPALDING LLP<br>191 PEACHTREE STREET, N.E.<br>45TH FLOOR<br>ATLANTA, GA 30303-1763 |             |                      | TRAN, QUOC A                  |                  |
|   |             |                      | ART UNIT                      | PAPER NUMBER     |
|   |             |                      | 2176                          |                  |

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/665,312 | Applicant(s)<br>STUPLE ET AL. |  |
|                              | Examiner<br>Quoc A. Tran      | Art Unit<br>2176              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2176

### DETAILED ACTION

1. This action is responsive to Application filed on 09/18/2003.
2. Claims 1-17 are pending. Claims 1, 9 and 14 are independent claims.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

*Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.*

4. **Claims 1-8** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-8 set forth functional descriptive material but fail to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (i.e. a computer) to produce a "useful, concrete and tangible" result.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760.

For example, claims 1-8, the "method" reads on a mental construct/abstract idea or at bests a computer program, per se. The language such as "A method for formatting objects comprising:...", are not tangibly embodied on a computer readable medium or hardware. Claims 1, and 3-16 is interpreted as software per se, abstracts ideas or mental construct and not tangibly embodied on a computer readable medium or hardware.

Art Unit: 2176

To overcome this type of 101 rejection the claims need to be amended to include a computer program is recited in conjunction with a physical structure, such as a computer memory (i.e. hardware) of causing functional change in the computer.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

6. **Claims 1-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over White US 20030014447A1 - filed 04/23/2001 (hereinafter White), in view of Ichimura et al. US006580438B1- filed 11/22/1999 (hereinafter Ichimura).

**In regard to independent claim 1, receiving input for the page in the electronic document** (White at Abstract and at page 1, paragraphs [0009]-[0010], also see FIGS. 4, discloses a data management system for generating customized versions of data documents. which is subsequently parsed into an internal representation of the document, wherein raw data is stored in XML form and is parsed by an XML parser. Upon the initial request for a customized version of the document, a sequence of transforms is applied to the internal representation and to subsequently transformed documents in order to create hierarchical, customized document levels.

Art Unit: 2176

(the transformation are implemented as either XSL stylesheets, although Java classes may also be employed),

White does not explicitly teach, **tracking a position of the input relative to the page**, however (Ichimura at the abstract and at col. 10, line 40-65, discloses a presentation control system environment, the methods and systems of this invention manipulate presentation elements to create a unified display characteristic between the elements selected for presentation, Upon selection of a presentation element, the system will determine a first text box within the presentation element and retrieve its identification. Then, in order to maintain the spatial relationship existing in the presentation element, a determination will be made as to whether the text box has a border, or frame. If a border is present, the system retrieves the dimensions for the text box and records them in association with the text box identifier. The stylizer 170 then applies the new font size and shape to the text within the selected text box),

**comparing the input to a style sheet comprising one or more objects with predefined formatting**, however (Ichimura at the abstract and at col. 9 line 1 through col. 10, line 65, also see Table 1, discloses a presentation control system environment, the methods and systems of this invention manipulate presentation elements to create a unified display characteristic between the elements selected for presentation, wherein The stylizer 170 then replaces the attributes of tags with the new attributes that correspond to the selected style,

Table 1 illustrating the Attribute, the API, and position (float, height....<value>) for appropriate CSS apply using Class='name'tag to different html element and so on...

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified White's teaching, wherein receiving input for the page in

Art Unit: 2176

the electronic document, that include a means of tracking a position of the input relative to the page of Ichimura's teaching. One of ordinary skill in the art would have been motivated to modify this combination to provide a data management and generation system that enables rapid, efficient, reliable and cost-effective generation of customized data documents and minimize both the amount of software that must be developed in order to create customized documents, as well as the amount of computer processing that is required to satisfy client requests (as taught by White at page 1 paragraph [0008]).

**In regard to independent claim 9**, incorporates substantially similar subject matter as cited in claim 1 above, and further in view of the following and therefore is similarly rejected along the same rationale,

**receiving one of text and graphic input for a part of an electronic document** (White at page 3, paragraphs [0039], discloses an organization-level document into a presentation-level document. The presentation-level customization is organization specific. This transform may generate an HTML document for end user presentation, an attribute/name/value text file for importation into legacy systems, or any number of other customized presentations).

**In regard to independent claim 14**, incorporates substantially similar subject matter as cited in claim 1 above, and further in view of the following and therefore is similarly rejected along the same rationale,

**a processing unit, a memory storage device coupled to the processing unit for displaying data; and a program module stored in the memory storage device for providing instructions to said processing unit; said processing unit responsive to said instructions operable for of said program module monitoring a position of input within an electronic**

Art Unit: 2176

**document** (as taught by White at page 2 paragraphs [0027]–[0029], i.e. a methodology that supports demand-driven generation of multiple customized versions of data sets that are initially compiled as XML documents. That, is data documents that describe respective products, such as components of a personal computer system, are compiled),

**formatting the input within the electronic document in response to identifying the format in the sheet**, however (Ichimura at the abstract and at col. 10, line 40-65, discloses a presentation control system environment, the methods and systems of this invention manipulate presentation elements to create a unified display characteristic between the elements selected for presentation, Upon selection of a presentation element, the system will determine a first text box within the presentation element and retrieve its identification. Then, in order to maintain the spatial relationship existing in the presentation element, a determination will be made as to whether the text box has a border, or frame. If a border is present, the system retrieves the dimensions for the text box and records them in association with the text box identifier. The stylizer 170 then applies the new font size and shape to the text within the selected text box).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified White's teaching, wherein receiving input for the page in the electronic document, that include a means of formatting the input within the electronic document in response to identifying the format in the sheet of Ichimura's teaching. One of ordinary skill in the art would have been motivated to modify this combination to provide a data management and generation system that enables rapid, efficient, reliable and cost-effective generation of customized data documents and minimize both the amount of software that must be developed in order to create customized documents, as well as the amount of computer

processing that is required to satisfy client requests (as taught by White at page 1 paragraph [0008]).

**In regard to dependent claim 2**, incorporates substantially similar subject matter as cited in claim 1, and further view of the following, and are similarly rejected along the same rationale,

**calculating the position of the input in a style sheet**, however (Ichimura at the abstract and at col. 9 line 1 through col. 10, line 65, also see Table 1, discloses a presentation control system environment, the methods and systems of this invention manipulate presentation elements to create a unified display characteristic between the elements selected for presentation, wherein The stylizer 170 then replaces the attributes of tags with the new attributes that correspond to the selected style,

Table 1 illustrating the Attribute, the API, and position (float, height...<value>) for appropriate CSS apply using Class='name' tag to different html element and so on...

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified White's teaching, wherein receiving input for the page in the electronic document, that include a means of calculating the position of the input in a style sheet of Ichimura's teaching. One of ordinary skill in the art would have been motivated to modify this combination to provide a data management and generation system that enables rapid, efficient, reliable and cost-effective generation of customized data documents and minimize both the amount of software that must be developed in order to create customized documents, as well as the amount of computer processing that is required to satisfy client requests (as taught by White at page 1 paragraph [0008]).



**In regard to dependent claims 3-8**, incorporates substantially similar subject matter as cited in claim 9 and 14, and further view of the following, and are similarly rejected along the same rationale,

**apply the format to input...controls format of the page...to a new level in the style sheet...preferred formatting...display the input with the determined format...the format input further comprises determine one of the font**, however (Ichimura at the abstract and at col. 9 line 1 through col. 10, line 65, also see Table 1, discloses a presentation control system environment, the methods and systems of this invention manipulate presentation elements to create a unified display characteristic between the elements selected for presentation, wherein The stylizer 170 then replaces the attributes of tags with the new attributes that correspond to the selected style. Upon selection of a presentation element, the system will determine a first text box within the presentation element and retrieve its identification. Then, in order to maintain the spatial relationship existing in the presentation element, a determination will be made as to whether the text box has a border, or frame. If a border is present, the system retrieves the dimensions for the text box and records them in association with the text box identifier. The stylizer 170 then applies the new font size and shape to the text within the selected text box),

Table 1 illustrating the Attribute, the API, and position (float, height....<value>) for appropriate CSS apply using Class='name'tag to different html element and so on...

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified White's teaching, wherein receiving input for the page in the electronic document, that include a means of apply the format to input...controls format of the page...to a new level in the style sheet...preferred formatting...display the input with the

Art Unit: 2176

determined format... the format input further comprises determine one of the font of Ichimura's teaching. One of ordinary skill in the art would have been motivated to modify this combination to provide a data management and generation system that enables rapid, efficient, reliable and cost-effective generation of customized data documents and minimize both the amount of software that must be developed in order to create customized documents, as well as the amount of computer processing that is required to satisfy client requests (as taught by White at page 1 paragraph [0008]).

**In regard to dependent claim 10**, incorporates substantially similar subject matter as cited in claim 1, 9, and 14, and further view of the following, and are similarly rejected along the same rationale,

**language identifier** (as taught by White at page 3 paragraph [0031], i.e. the customization is performed through the application of XSL is a language for specifying stylesheets that may be applied to complex XML data and that enables presentation in HTML or other formats).

**In regard to dependent claim 11**, incorporates substantially similar subject matter as cited in claim 1, 9, 10, and 14 and further view of the following, and are similarly rejected along the same rationale,

**and a script level in the sheet** (as taught by White at page 7 paragraph [0069], i.e. a raw XML document is generated by the publication process and then transformed by the application of a sequence of transforms. A transform may be either an XSL stylesheet or a Java class that parses and transforms its input. A generated document is dependent on its parent document and its level transform. In accordance with the invention, a document is generated recursively by

generating the parent document and then applying the appropriate level transform. If the level transform does not exist a copy of the parent document is returned).

**In regard to dependent claims 12-13**, incorporates substantially similar subject matter as cited in claim 1, 9-10, and 14, and are similarly rejected along the same rationale.

**In regard to dependent claims 15-17**, incorporates substantially similar subject matter as cited in claim 1, 9 and 10, and are similarly rejected along the same rationale.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

|                    |                  |       |            |
|--------------------|------------------|-------|------------|
| Malkin et al.      | US 20040237040A1 | filed | 05/19/2003 |
| Hendrickson et al. | US 20020065852A1 | filed | 11/30/2000 |

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R. Heather can be reached on (571) -272-4136. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Quoc A, Tran*  
*Patent Examiner*  
*Technology Center 2176*  
*February 4, 2006\*\*\*\*\**

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*2/5/2006*